

Rev. 4/18

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT**

*Please TYPE. Attach additional pages if necessary.*11th Circuit Docket Number: 23-10616

Caption: Pernell et al. v. Andrade et al.	District and Division: <u>Northern District</u> Name of Judge: <u>Judge Mark Walker</u> Nature of Suit: <u>Section 1983</u> Date Complaint Filed: <u>8/18/2022</u> District Court Docket Number: <u>4:22-cv-304</u> Date Notice of Appeal Filed: <u>2/28/2023</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action
Has this matter previously been before this court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide (a) Caption: <u>Pernell v. Lamb</u> (b) Citation: _____ (c) Docket Number: <u>22-13992</u>	

	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify)	Daniel Bell for Movants-Appellants	Office of the Attorney General, PL-01, The Capitol Tallahassee, FL 32399	850-414-3300, 850-414-2672, daniel.bell@myfloridalegal.com

For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Jerry Edwards, Sarah Hinger for Plaintiffs-Appellees	ACLU Foundation of Florida, 933 Lee Rd. Suite 102, Orlando, FL 32810	786-363-1107, jedwards@aclufla.org
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Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input checked="" type="checkbox"/> Other <u>denying in part claim of legislative privilege</u>	Amount Sought by Plaintiff: <u>\$ N/A</u> Amount Sought by Defendant: <u>\$ N/A</u> Awarded: <u>\$ N/A</u> to _____ Injunctions: <input type="checkbox"/> TRO <input checked="" type="checkbox"/> Preliminary Permanent <input type="checkbox"/> Granted <input type="checkbox"/> Denied

Page 2

11th Circuit Docket Number: _____

Based on your present knowledge:

(1) Does this appeal involve a question of First Impression? Yes No
 What is the issue you claim is one of First Impression? Whether claims of legislative privilege are subject to judicial balancing in civil cases.

(2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? Yes No
 If Yes, provide
 (a) Case Name/Statute _____
 (b) Citation _____
 (c) Docket Number if unreported _____

(3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
 (a) Arises from substantially the same case or controversy as this appeal? Yes No
 (b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? Yes No
 If Yes, provide
 (a) Case Name Pernell v. Lamb
 (b) Citation _____
 (c) Docket Number if unreported 22-13992
 (d) Court or Agency CA11

(4) Will this appeal involve a conflict of law
 (a) Within the Eleventh Circuit? Yes No
 (b) Among circuits? Yes No

If Yes, explain briefly:

(5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Whether the district court erred in concluding that the legislative privilege had been overcome in this case.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 14th DAY OF March, 2023.

Daniel Bell
 NAME OF COUNSEL (Print)

/s/ Daniel Bell
 SIGNATURE OF COUNSEL